

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRUCE MARK RUBIN,

Plaintiff,

vs.

NO. CIV 99-43 BB/LCS

**KENNETH F. APFEL,
Commissioner of Social Security,**

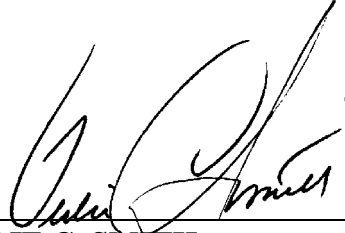
Defendant.

MAGISTRATE JUDGE'S PROPOSED FINDINGS

AND RECOMMENDED DISPOSITION

THIS MATTER comes before the Court sua sponte. On June 1, 1999, this Court entered an Order directing Plaintiff to either effect service or explain why service could not be effected, within 30 days of the entry of the show cause Order. A review of the docket sheet on July 2, 1999 reveals that Plaintiff appears to have done neither. The Court therefore recommends that this case be dismissed without prejudice. Within ten days after receiving a copy of these proposed findings and recommended disposition the parties may, pursuant to 28 U.S.C. Sec. 636(b), file written objections to them.

A party must file its objections with the Clerk of the District Court within the ten day limit specified in 28 U.S.C./ Sec. 636 if the party desires appellate review; in the absence of timely filed objections, no review will be undertaken.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

LESLIE C. SMITH
UNITED STATES MAGISTRATE JUDGE